

P20-28F. The request to issue a Special Use Permit on property zoned Community Commercial (CC), located at 4800 & 4802 Murchison Road (Tax Map # (0429-33-2524, 0429-33-2447 & 0429-33-3405), near the intersection of Murchison and Bowden Road, containing 1.15 acres \pm and being the property of Steven McBride, represented by Henry Tyson, Tyson Commercial Real Estate. (Craig Harmon)

ZONING COMMISSION STAFF REPORT

TO: Zoning Commission Members
THRU: Taurus Freeman – Planning & Zoning Divisional Manager
FROM: Craig M. Harmon, CZO – Planner II
DATE: May 26, 2020

RE:

P20-28F. The request is to issue a Special Use Permit on property zoned Community Commercial (CC), located at 4800 & 4802 Murchison Road (Tax Map # (0429-33-2524, 0429-33-2447 & 0429-33-3405), near the intersection of Murchison and Bowden Road, containing 1.15 acres ± and being the property of Steven McBride, represented by Henry Tyson, Tyson Commercial Real Estate.

COUNCIL DISTRICT(S):

4 – DJ Haire

Relationship to Strategic Plan:

2024 Goals, Goal II: Diverse and Viable Economy

Objective A: Sustain a favorable development climate through continual improvement of internal process and by providing redevelopment tools to encourage business growth.

Executive Summary:

The property in question was last used as a consignment and thrift store. The owner requests to use the existing building and fenced area to the rear to operate an automotive wrecker service. The owner will be responsible for meeting the use specific standards of the Unified Development Ordinance (UDO) listed below.

According to the UDO, an Automotive Wrecker Service is an establishment operated for the purpose of temporary storage on-site of no more than nine wrecked or inoperable vehicles for a period no longer than 90 days. If an establishment has ten or more inoperable vehicles located on-site, stores inoperable vehicles for more than 90 days, stacks vehicles, or portions of the vehicles are dismantled or removed for sale, it shall be considered a salvage and junkyard.

Background:

Owner: Steven McBride

Applicant: Henry Tyson, Tyson Commercial Real Estate

Requested Action: SUP – Automotive Wrecker Service

Property Address: 4800 & 4802 Murchison Road

Council District: 4 – DJ Haire

Status of Property: Heavy Commercial

Size: 1.15 acres +/-

Adjoining Land Use & Zoning:

- North – HI: Industrial separated by rail road tracks
- South – SF-6 & CC: Commercial & Residential
- West – CC: Commercial
- East – CC: Commercial

Letters Mailed: 22

Transportation: Annual Average Daily Traffic (AADT) 19,500 on Murchison Rd.

Land Use Plan: EC – Employment Center

Issues/Analysis:

Proposal

The subject property is zoned Community Commercial (CC) and is located along a Principal Arterial, Murchison Road, in a mostly heavy commercial area. There is also a rail line to the northeast.

According to the applicant, the project is to operate a wrecker service on property zoned CC. The subject property was previously used as a consignment store and thrift store. The owner is proposing a wrecker service office with temporary outdoor storage of wrecked vehicles to the rear of the property. The lot will be used on a limited basis as a holding lot for vehicles after the tow vehicle has moved them. The applicant will not be using the storage for vehicle salvage or for long-term storage of vehicles. The facility will be open to the public Monday to Friday, from 9 a.m. to 5 p.m., and will include two employees.

This property is zoned CC and has an existing principally structure. The district also allows automotive wrecker services that meet the use specific standards listed below.

The owner does not propose any changes to the existing building or rear storage lot.

Surrounding Development

The properties located on the east side of Murchison Road are zoned for a mix of single-family residential and commercial uses.

To the west of Murchison is mainly heavy commercial, with undeveloped industrial property to the rear of the subject site.

Site/Building

As a Special Use, the City may impose "reasonable and related conditions" as part of the permit. The City Staff suggests that conditions be placed on this request requiring the developer to build according to the submitted site plan and elevations unless some part conflicts with City standards. In case of conflict, City standards will prevail.

The proposed wrecker service will use the existing building shown on the attach photos. Per the pre-application conference with the applicant, they were made aware of the use-specific standards that they much comply with.

The parking and driveway areas already constructed. Parking spaces are located between the building and the public right-of-way.

Transportation

Murchison Road is a five-lane roadway that is classified as a Principal Arterial. This type of roadway serves major centers of metropolitan areas, provides a high degree of mobility, and can provide mobility through rural areas. Unlike their access-controlled counterparts, Principal Arterials can serve abutting land uses directly.

UDO Use-Specific Standards

The Unified Development Ordinance (UDO) requires a Special Use Permit (SUP) to operate an automotive wrecker service, in a CC District. The additional development standards for automotive wrecker services are as follows:

30-4.C.4.k.5: Automotive Wrecker Service

Automotive wrecker service uses shall comply with the following standards:

- a. The use shall be located at least 250-feet from any residential district, school, or child care center. In any of the districts in which this use may be located, the City Council may through a special use permit request approve a reduction in the separation requirement upon a showing of good cause with supporting evidence and mitigation of impacts. (Applicant requests a reduction in this requirement, see findings)
- b. Vehicles shall not be stored on-site for more than 90 days.
- c. Vehicles shall be stored to the rear of the principal structure, behind a wooden fence or masonry wall in accordance with Section 30-5.D, Fencing Standards.

Staff recommends the following condition:

1. Approval is based on the existing building and fenced in storage area. In case of any conflict between the existing structures and City standards, City standards will be followed.

The SUP must meet the following findings of facts:

(1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;

The proposed use meets the applicable standards. Use-Standards a through c listed above appear to have been met, with the reduction in the 250-foot separation requirement. According to the owner, there are several mitigating factors including; separation due to a principal arterial road, separation due to a railroad line and heavy commercial zoning surrounding three side of this property.

(2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;

The east side of Murchison Road is mainly commercial and the 2040 Future Land Use Map calls for everything on this side of the road to be an Employment Center.

- (3) **The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;**

The property is already fully developed; therefore, the use should not have an adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration.

This building and storage lot already exist and should bring no adverse bearing to the community. The use is commercial and most of the surrounding properties are commercial. This type of use typically does not generate heavy traffic.

- (4) **The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;**

The property is already fully developed and ensures that the project would minimize adverse effects, including visual impacts of the proposed use on adjacent lands.

- (5) **The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;**

The property is already fully developed and ensures that the project would avoid significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

This special use avoids significant deterioration of water and air resources, wildlife habitat and other natural resources by using a previously developed lot instead of developing a green field.

- (6) **The special use maintains safe ingress and egress onto the site and safe road conditions around the site;**

The property is located on a major thoroughfare with two existing ingress and egress points, via a circular driveway.

The driveway into this site is similar to others along Murchison Road. Because of the arrangement of parking, cars will always be pulling forward onto the street, not backing onto it, which provides for safer movement of vehicular traffic.

- (7) **The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and**

There has been no evidence presented that property values and the ability of neighboring lands to develop would be negatively impacted.

The owner looks to utilize an existing built commercial site. By allowing a new tenant in an existing vacant building, the neighborhood property values should not be negatively impacted.

- (8) **The Special use complies with all other relevant City, State, and Federal laws and regulations.**

The applicant will be required to meet all applicable standards.

Planning Staff recommends Approval of the proposed SUP based on:

- This proposed SUP implements the policies adopted in the Unified Development Ordinance;
- The development of this use is allowed in the "Community Commercial" district and will not detract from the overall area;
- The proposed SUP ensures that new development is compatible with the current zoning, UDO, and overall growth pattern of the area;
- The utilization of an existing previously developed site; and
- There are no other factors which will substantially affect the public health, safety, morals, or general welfare.

Budget Impact:

This action should result in no increase in City services.

Options:

- 1) Approval of the SUP with any conditions listed above (Recommended);
- 2) Approval of the SUP with additional conditions;
- 3) Approval of the SUP without conditions; or
- 4) Denial of the SUP.

Recommended Action:

The Staff recommends that the Zoning Commission recommend approval of the requested Special Use Permit (SUP) to operate an Automotive Wrecker service in an area zoned Community Commercial (CC), as presented by Staff and based on the information provided above and all attachments.

- The SUP is consistent with applicable plans because: 1) the City's Unified Development Ordinance and 2040 Future Land Use Plan both support this type of business in this location; 2) the uses surrounding this property are a mix of uses which are compatible with the proposed SUP; and 3) the proposed SUP is reasonable and in the public interest because the proposed zoning fits the character of the overall area.

Attachments:

1. Application
2. Aerial Map
3. Zoning Map
4. Land Use Plan Map
5. Subject Property
6. Surrounding Property

Project Overview

#406454

Project Title: 4800 Murchinson Road Fayetteville NC SUP
Application Type: 5.3) Special Use Plan Review
Workflow: Staff Review

Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Project Location

Project Address or PIN:

- 4802 MURCHISON RD (0429-33-2524-)
- 4800 MURCHISON RD (0429-33-2447-)
- 0 MURCHISON RD (0429-33-3405-)

GIS Verified Data

Property Owner: Parcel

- 4802 MURCHISON RD: CB & GH LLC C/O C G BYRD JR
- 4800 MURCHISON RD: CB & GH LLC C/O C G BYRD JR
- 0 MURCHISON RD: CB & GH LLC C/O C G BYRD JR

Acreage: Parcel

- 4802 MURCHISON RD: 0.36
- 4800 MURCHISON RD: 0.68
- 0 MURCHISON RD: 0.11

Zoning District:

Subdivision Name: Parcel

- 4802 MURCHISON RD: MURCHISON HEIGHTS
- 4800 MURCHISON RD: MURCHISON HEIGHTS
- 0 MURCHISON RD: NOT APPLICABLE

Fire District:

Airport Overlay District:

Hospital Overlay District:

Coliseum Tourism District:

Cape Fear District:

Downtown Historic District:

Haymount Historic District:

Floodway:

100 Year Flood:

500 Year Flood:

Watershed:

Written Description of Special Use

Is the proposed project for a cell tower?: No

A) Provide a written description of the proposed special use, including summary of existing uses and the proposed use/activity in detail. Also include hours and days of operation, number of employees, number of clients, etc.:
The subject property in question is zoned CC (Community Commercial) and was previously used as a consignment store and thrift store. We are proposing a use for a wrecker service office with temporary outdoor storage of wrecked vehicles to the rear of the property. The lot will be used on a limited basis as a holding lot for vehicles after they have been moved by the tow vehicle. The applicant will not be using the storage for vehicle

salvage or for long term storage of vehicles onsite. The facility will be open to the general public Monday to Friday from 9am to 5pm and will include two employees.

B) Please provide a description of the Zoning District designations and existing uses on adjacent properties, including across the street.: The Community Commercial (CC)

District is established and intended to accommodate a diverse range of medium- to high-intensity retail, service, and office uses that provide goods and services serving the residents and businesses in the community at large—e.g., shopping centers, convenience stores, retail sales establishments, and heavier commercial uses (subject to approval of a Special Use Permit (see Section 30-2.C.7)). The district is typically located along major arterials, at the intersection of arterials, and along growth corridors identified in City plans. Higher-density residential uses are encouraged on the upper floors of nonresidential establishments, and may exist as stand-alone buildings as part of a larger horizontal mixed- use development. The district is subject to standards intended to ensure development is compatible with surrounding uses as well as the design standards in [Article 30-5: Development Standard](#). The abutting property to the west and east is currently zoned CC (Community Commercial) and appear to be used primarily as small office spaces with a small garage/warehouse to the east as well. The property across the street is zoned Community Commercial and appears to be former retail shop space. Across the street as we is zoned SF-6 and appear to be a multi-tenant mixed use residential onsite. To the rear of the property the parcel is zoned HI (Heavy Industrial) and the property appears to be used as some sort of warehouse/storage application. It is also of note that directly to the rear of the property is a train line with buffering.

Special Use Justification. Answer all questions on this and the following pages (upload additional sheets as needed).

Indicate how the special use complies with all applicable use-specific standards in the City Code of Ordinances.: Wrecker office and outdoor temporary vehicle storage is a permitted use in the CC (Community Commercial) zoning district. According to 30-4.c [Use Specific Standards B section 5](#) of the UDO, an Automotive Wrecker Service is allowed in a CC designation by right however if the property is located within 250 feet of residential, a Special Use Permit must be obtained to reduce the 250 foot requirement. We assert the proposed use is congruent and in keeping with the surrounding area because 1) the proposed location is buffered and abutted by commercial zoning districts both to the rear and the sides. The residential adjacent is across the street which also provides buffer for use. There are currently four automotive service companies on Murchison Road with 1 being a current towing and repair service showing other similarly situated and types of uses have been allowed and approved. The facility will not store vehicles over 90 days as required by code and all outdoor vehicle storage will be to the rear of the property with proper fencing in place as required by 30-5.D.

Describe how the special use is compatible with the character and uses permitted in the zoning district(s) of surrounding lands.: The proposed use is compatible with the area because the majority of properties fronting Murchison Road in the area are classified as Commercial Uses. Within a 4 Square mile radius 4 other automotive facility uses can be found with at least one including a towing and vehicle storage servicing company. Other similar commercial uses include a construction company, a moving a storage company services, several tire and vehicle service facilities, an appliance repair and sales center, a fuel depot and several convenience stores/vehicle fuel store.

Indicate how the special use avoids significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration.: The use avoids significant adverse impacts on the surrounding area for the following reasons; 1) the proposed use is a low traffic intensive use with a small number of employees 2) the site is currently

configured with a side fenced gated entrance to the rear of the property with buffering already present. 3) the rear of the property where the proposed outdoor rear storage area is located abuts a railroad track. 4) The current building is setback off the property and is located to the extreme rear of the property. The use will not produce any obnoxious odors, noises, glares, or vibrations. 5) The buffering requirements for fencing and the natural vegetation on the property should provide an adequate buffer for the applicant's intended use.

Demonstrate how the special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands.: The applicant will be making substantial improvements to the building and the property increasing the visual desirability of the property and add to the character of the community. These improvements will aid in preventing blight in the community through unused vacant properties which attract vandalism, pests, and are generally unsightly. Per code the outdoor storage component is located to the rear of the property as required and will be fenced to provide buffer.

Explain how the special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.: The proposed site is a previously constructed building with parking areas and a fenced lot. The applicant is avoiding deterioration of habitat and resources by re-purposing a previously built structure as opposed to buying a undeveloped wooded lot and clearing to build new construction. The applicant will be able to use the property mostly as built without removing existing trees, no additional water capacity in water services, and no additional wildlife habitat destruction. All improvements to the subject property will adhere to required current building codes and will be completed in accordance with City of Fayetteville Codes of Ordinances (UDO) as required.

Indicate how the special use maintains safe ingress and egress onto the site and safe road conditions around the site.: The subject property currently maintains a circular driveway with a natural traffic pattern and flow that allow for an entrance and exit of the property. With the building located at the rear of the property, traffic entering and exiting the site will have a clear line of sight for oncoming traffic. The front sidewalk allows for safe pedestrian travel in the front area of the site. The use of the property itself is a low traffic intensive use with wrecker vehicles coming to and from the site as well as only two employee vehicles coming to and from the site. The nature of the business is not a high intensive traffic use business meaning only small amounts of the general public will be visiting the site on a regular basis.

Demonstrate how the special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district.: The subject property is currently a vacant building and has been listed on the market since at least 2015. Vacant properties create issues for the surrounding properties and in some cases can become nuisance properties. Vacant property tend to be less well maintained with the owner being absent on the property. The owner of the property in this case will be the user of the property and will be onsite on a regular basis. The owner will keep and maintain the vegetation on the property as well as improve the condition of the current property causing the area to be more desirable. With the majority of the uses in the area Commercial, the proposed use will complement further commercial development in the area. With the short term nature of the vehicle storage, the back lot will be kept clean and free of obsessive vegetation which could lead to pest issues or make the site unsightly.

The special use complies with all other relevant City, State, and Federal laws and regulations.: The applicant renovations and changes to the existing property will be completed in accordance with all applicable standards, requirements, and regulations from the city state and national levels. The fencing requirement is already onsite and meets the criteria set forth by the UDO standards.

Primary Contact Information

Project Contact - Agent/Representative

Henry Tyson
Tyson Commercial Real Estate
109 Hay Street, Suite 201
Fayetteville, NC 28301
P: 910 483 3696
henry@tysoncommercial.com

Indicate which of the following project contacts should be included on this project: Surveyor

Project Owner

Steven McBride
4241 Colby Court, Apt 205
Fayetteville, NC 28314
P: 910 624 0026
stevenmcbride80@gmail.com

NC State License Number:

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds

\$30,000. :

Project Contact - Primary Point of Contact for the Surveyor

Rex Owen

230 Donaldson Street , Ste 500A

Fayetteville, NC 28301

P:9109203275

rexowen@joynerkeeney.com

Aerial Notification Map Zoning Commission

8/11/20

Case #: P20-28F

Request:

Special Use Permit
Wrecker Service

Location:

4802 MURCHISON RD
4800 MURCHISON RD

Pins:

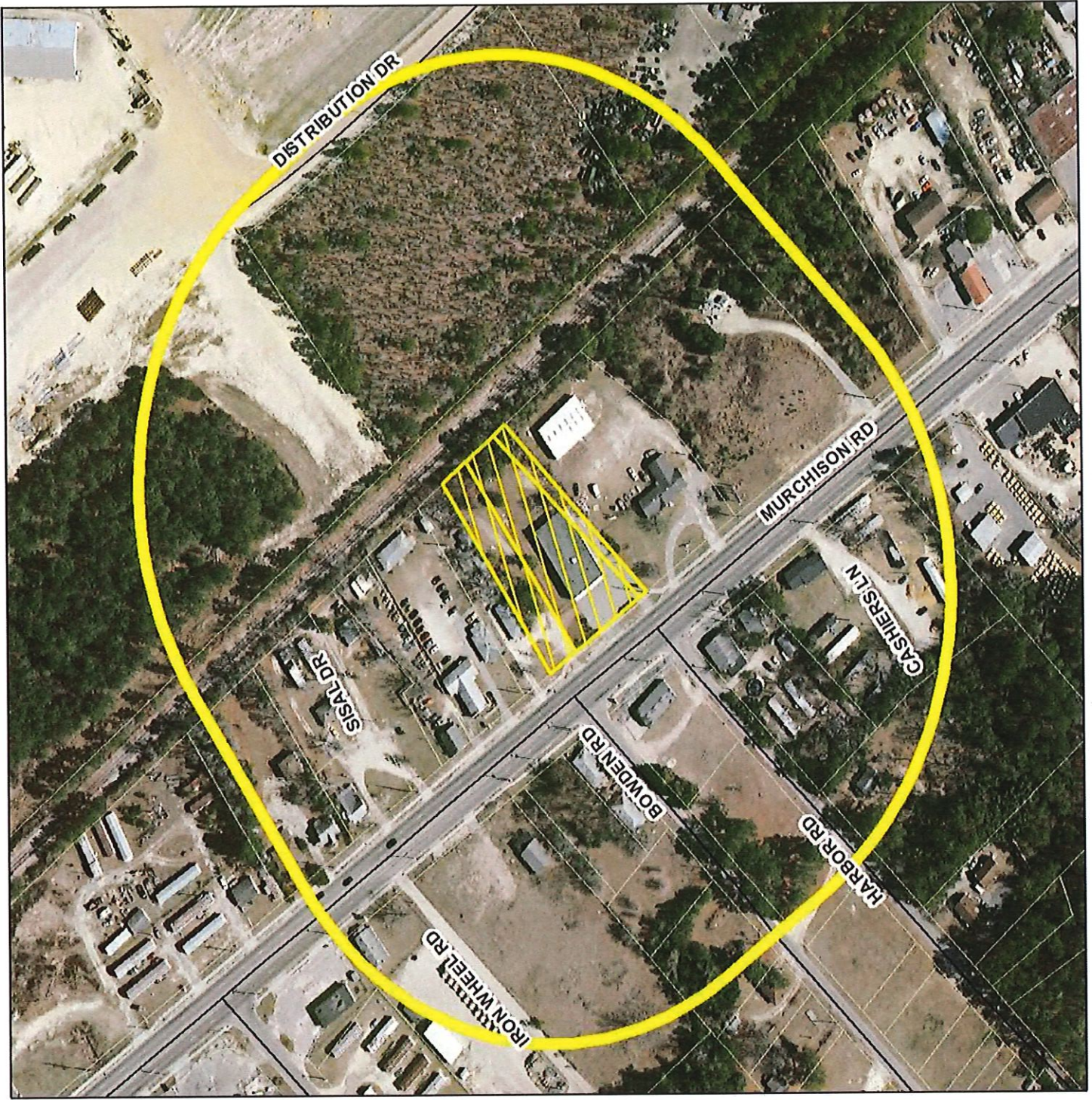
0429-33-2524
0429-33-2447
0429-33-3405

Acreage to be Rezoned:

1.15 acres +/-



Legend



Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.

Recommendation: Approval

Disposition Date: 8/11/20

Final Action:

Zoning Map

Zoning Commission

8/11/20

Case #: P20-28F

Request:

Special Use Permit
Wrecker Service

Location:

4802 MURCHISON RD
4800 MURCHISON RD

Pins:

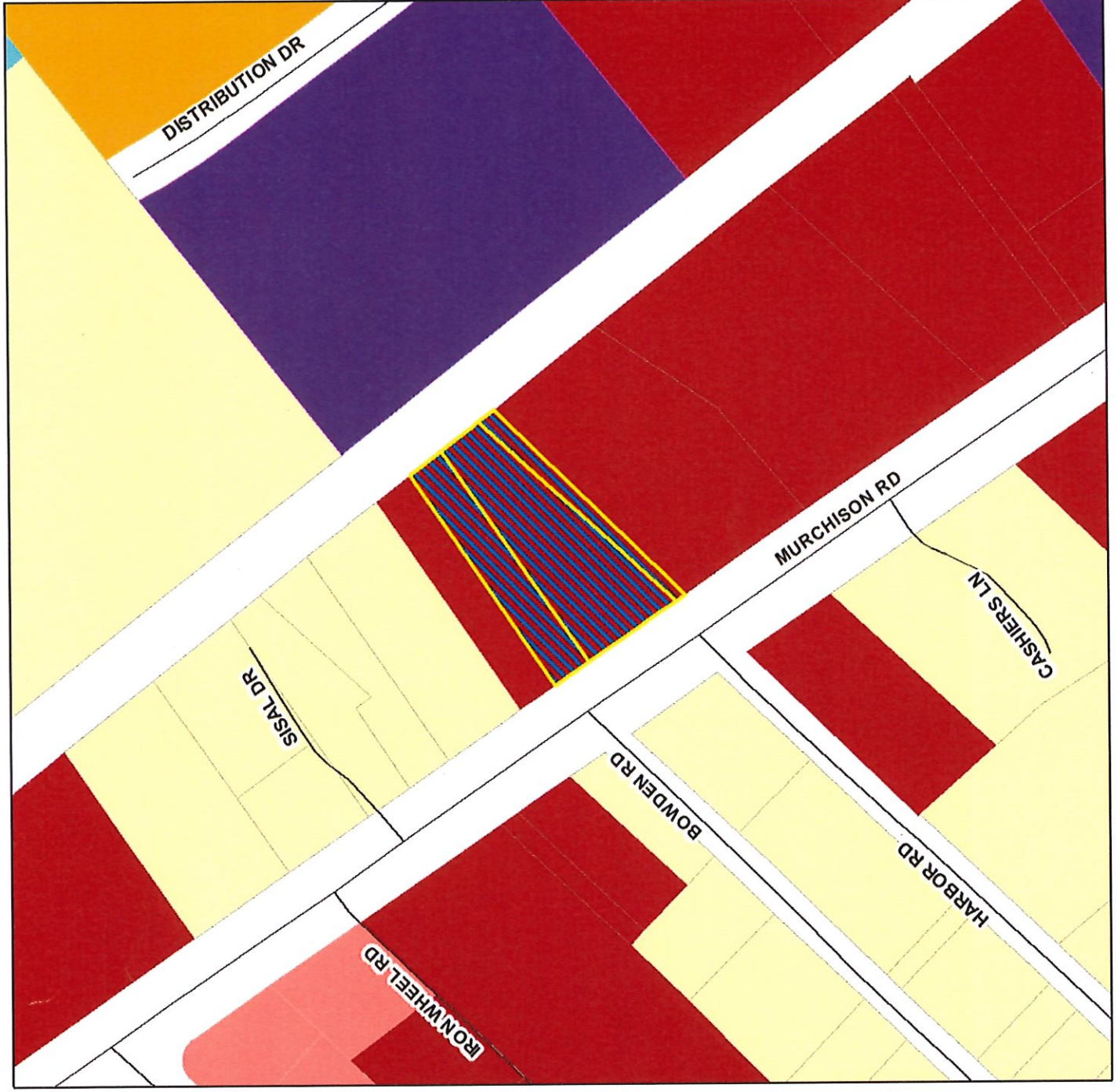
0429-33-2524
0429-33-2447
0429-33-3405

Acreeage to be Rezoned:

1.15 acres +/-



- CC - Community Commercial
- HI - Heavy Industrial
- LC - Limited Commercial
- LI - Light Industrial
- MR-5 - Mixed Residential 5
- SF-6 - Single-Family Residential 6
- City Limits



City of
Fayetteville
North Carolina
PLANNING

2040 Future Land Use Plan Map

Zoning Commission

8/11/20

Case #: P20-28F

Request:
Special Use Permit
Wrecker Service

Location:
4802 MURCHISON RD
4800 MURCHISON RD

Pins:
0429-33-2524
0429-33-2447
0429-33-3405

Acres to be Rezoned:
1.15 acres +/-



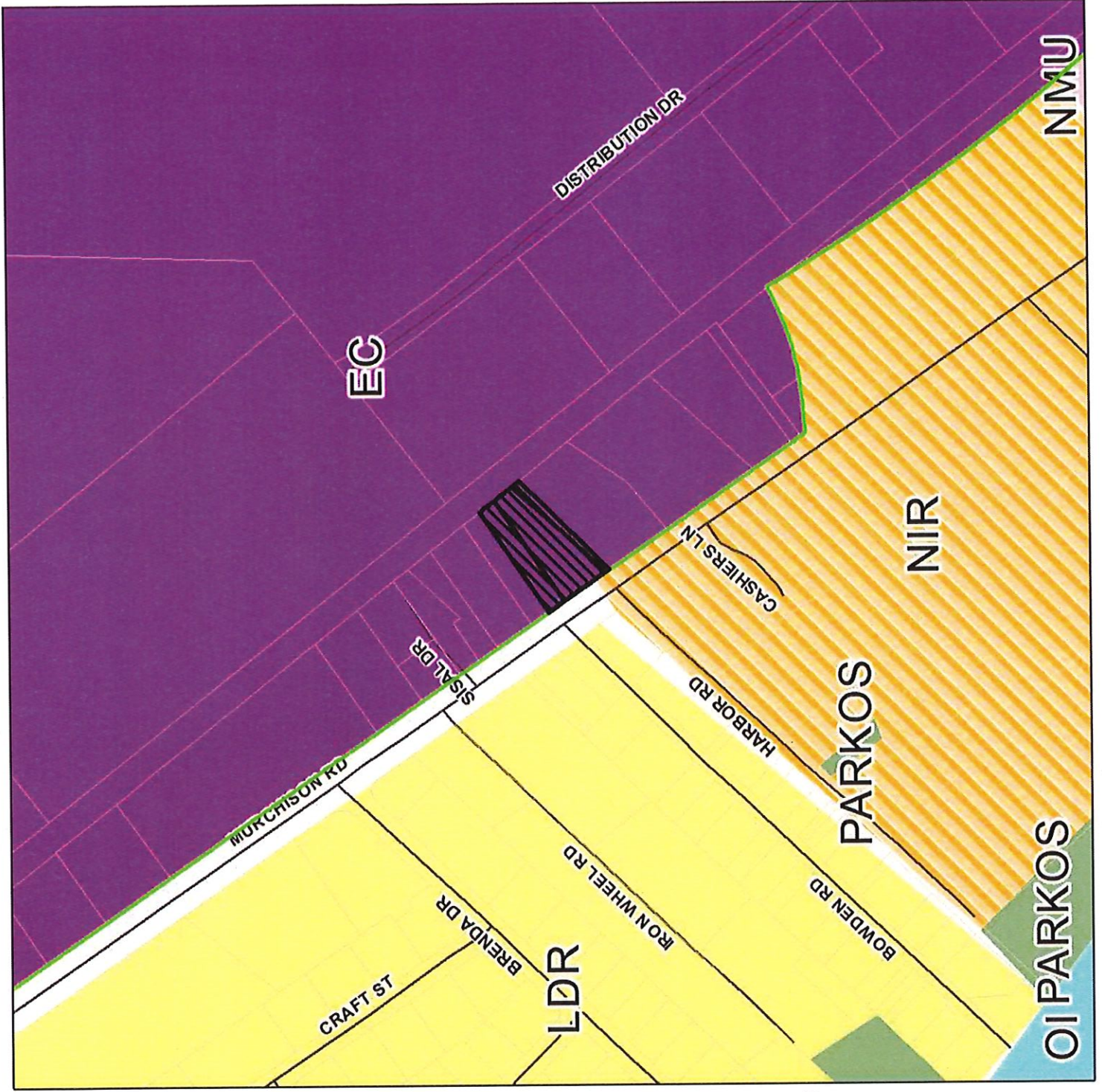
Legend

Parcels
Streets

2040 FUTURE LAND USE

Categories

- RU - RURAL
- PARKOS - PARK / OPEN SPACE
- OSS - OPEN SPACE SUBDIVISIONS
- LDR - LOW DENSITY
- MDR - MEDIUM DENSITY
- NIR - NEIGHBORHOOD IMPROVEMENT
- HDR - HIGH DENSITY RESIDENTIAL
- NMU - NEIGHBORHOOD MIXED USE
- CSR - COMMERCIAL STRIP REDEVELOPMENT
- CC - COMMUNITY CENTER
- RC - REGIONAL CENTER
- DTMXU - DOWNTOWN
- HC - HIGHWAY COMMERCIAL
- OI - OFFICE / INSTITUTIONAL
- EC - EMPLOYMENT CENTER



Subject Property

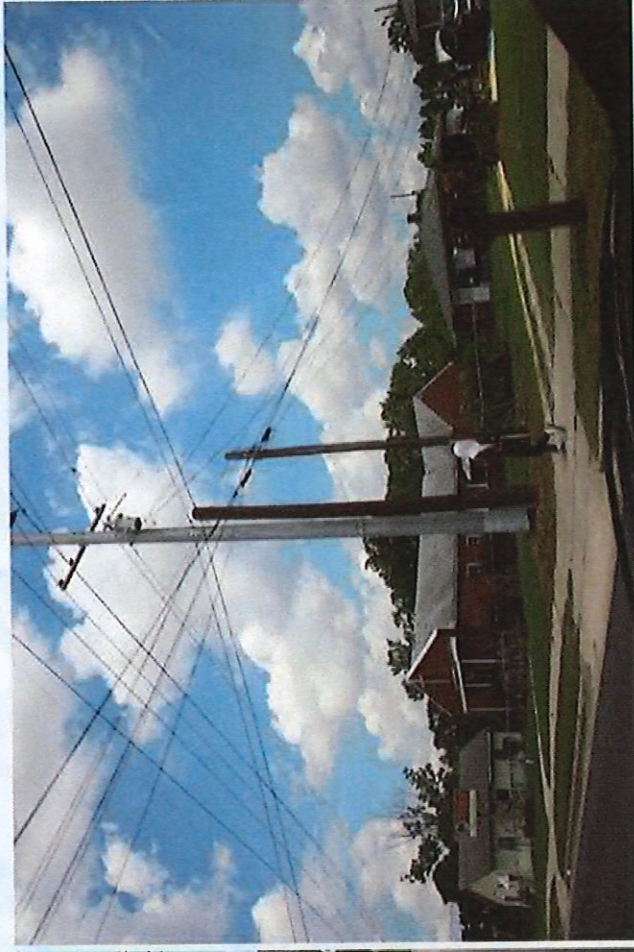




Surrounding Properties



South



North

P20-25F. The request to rezoning property from Single-Family 6 (SF-6) and Neighborhood Commercial (NC) to Mixed Residential (MR-5), located on Cliffdale Road (Tax Map # 9487-47-7123 & 9487-36-6817), near the intersection of Cliffdale and Braybrooke Place, containing 30.98 acres ± and being the property of Joe Riddle K&JS Properties, LLC and TPGM Properties, LLC, represented by Lori Epler of Larry King & Assoc. (Craig Harmon)

ZONING COMMISSION

STAFF REPORT

TO: Zoning Commission Members

THRU: Taurus Freeman – Planning & Zoning Divisional Manager

FROM: Craig Harmon, CZO – Planner II

DATE: August 11, 2020

RE:

P20-25F. The request is to rezone property from Single-Family 6 (SF-6) and Neighborhood Commercial (NC) to Mixed Residential (MR-5), located on Cliffdale Road (Tax Map #s 9487-47-7123 & 9487-36-6817), near the intersection of Cliffdale and Braybrooke Place, containing 30.98 acres ± and being the property of Joe Riddle K&Js Properties, LLC and TPGM Properties, LLC, represented by Lori Epler of Larry King & Assoc.

COUNCIL DISTRICT(S):

8 – Courtney Banks-McLaughlin

Relationship to Strategic Plan 2030:

2030 Goals, Goal II

Objective B: Implement strategies that diversify the city's tax base and increase the industrial and commercial tax bases.

Executive Summary:

The applicant, Lori Epler of Larry King & Associates, on behalf of the owner Joe Riddle – K&JS Properties LLC and TPGM Properties LLC, has submitted a request to rezone 30.98 +/- acres from Single-Family 6 (SF-6) and Neighborhood Commercial (NC) to Mixed Residential (MR-5). One of these properties is split zoned between SF-6 and NC. No proposed development plans have been submitted with this request.

Prior to the adoption of the Unified Development Ordinance (UDO) in 2011, these properties were zoned Residential 10 (R10) and Commercial with a plan (C1P). Under the previous zoning code, multi-family development was allowed by right in single-family residential.

Background:

These properties are located near the intersection of Cliffdale and Braybrooke Place. These two long narrow lots stretch from Cliffdale Road to near Pebblebrook Drive to the north. Single and multi-family residential, along with commercial zoning and uses, border the property. The parent parcels are identified as 9487-47-7123 & 9487-36-6817, which are both currently undeveloped.

Applicant: Lori Epler of Larry King & Associates

Owners: Joe Riddle – K&JS Properties LLC and TPGM Properties LLC

Requested Action: Rezoning 30.98 +/- acres from SF-6 & NC to MR-5

Property Addresses: near the intersection of Cliffdale and Braybrooke Place

Council District: 8 – Courtney Banks-McLaughlin

Status of Properties: Undeveloped

Size: 30.98 acres

Adjoining Land Use & Zoning:

- North – SF-10: Developed Single Family
- South – SF-6 & NC: Undeveloped & Cliffdale Road
- West – SF-6 & MR-5: Single-Family & Multi-Family
- East – NC, SF-10 & MR-5: Commercial, Multi-Family and Single Family

Traffic Count: 25,000 on Ramsey Street AADT.

Letters Mailed: 269

2040 Comprehensive Plan and Future Land Use Map

The 2040 Future Land Use Plan and Map were adopted in 2020. The plan and map covers the entirety of Fayetteville's incorporated limits and Municipal Influence Area (MIA). Hence, the plan contains some recommendations, which are broad concepts applicable to all development within those areas.

The plan recommends a variety of development options for this area.

NMU: Neighborhood-scale commercial uses, horizontal mix of uses; vertically in key locations. Buildings 1-3 stories. Smaller-scale multi-family, attached and small lot single family. Lower density on edges.

HDR: Townhomes and apartments in 3-5 story buildings with some very small single family lots possible. Typically, 5-16 dwellings per acre. Active, compact neighborhoods walkable to adjacent commercial centers.

MDR: Primarily single-family residential neighborhoods with small lots, 3-6 dwellings per acre. Duplex or townhomes interspersed low-rise apartments possible. Mostly auto-oriented, but some walkable neighborhoods and destinations.

Issues/Analysis:

The subject property is within an area that contains a mix of residential use types and commercial activities. Cliffdale Road, which borders these properties to the south, is one of the City's major east-west corridors.

One of these two properties is already split zoned into two districts. If approved, this rezoning would consolidate both properties into one uniform district. The bulk of these properties are zoned residential; however, the southern section of the property closest to Rim Road is zoned for commercial use. The owner wishes to rezone both properties to only MR-5.

Prior to the adoption of the Unified Development Ordinance (UDO) in 2011, these properties were zoned Residential 10 (R10) and Commercial with a plan (C1P). Under the previous zoning code, multi-family development was allowed in the R10 district by right.

Land within the City is generally classified by the UDO to be within one of a number of base zoning districts. Land may be reclassified to one of a number of comparable zoning districts in accordance with Section 30-2.C.

Straight Zoning:

The request is for a straight zoning from Single Family 6 (SF-6) and Neighborhood Commercial (NC) to Mixed Residential (MR-5).

The purpose of the MR-5 zoning district is “established and intended to meet the diverse housing needs of City residents by accommodating a wide variety of residential housing types and arrangements at moderate to high densities, including single-family detached dwellings, two- to four-family dwellings, multi-family dwellings, and other residential development that may include single-family attached dwellings, and zero lot line development subject to the requirements of this Ordinance. All development in the district shall comply with the design standards in Article 30-5: Development Standards. MR-5 districts may also include centrally-located open space, complementary institutional uses (e.g., religious institutions, post offices, police sub-stations), day care facilities, and limited small-scale neighborhood-serving convenience retail uses (See 30-4.D. Accessory Uses).”

The reclassification of land to a straight zoning district allows all of the business/office/residential uses that are shown on the attached Use Table taken from the UDO. The City Council may not consider conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other regulations that are applicable.

Land Use Plan Analysis:

According to the 2040 Future Land Use Plan and Map, this area is best served as a mix of commercial and residential uses, including multi-family.

The City Planning Staff recommends APPROVAL of the map amendment to MR-5 based on the following:

- This proposed zoning map amendment implements the policies adopted in the Unified Development Ordinance and 2040 Future Land Use Plan and Map. This district type is intended to meet the diverse housing needs of City residents by accommodating a wide variety of residential housing types and arrangements at moderate to high densities, including single-family detached dwellings, two- to four-family dwellings, multi-family dwellings, and other residential development

that may include single-family attached dwellings, and zero lot line development subject to the requirements of this Ordinance. and;

- The uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified due to the existing zoning, uses surrounding this property and the recommendations of the 2040 Future Land Use Plan; and
- There are no other factors which will substantially affect the public health, safety, morals, or general welfare.

Budget Impact:

There is not an immediate budgetary impact but there may be an economic impact associated with this rezoning that will occur over the next decade.

Recommended Action:

The Staff recommends that the Zoning Commission recommend approval of the requested rezoning to MR-5 (Mixed Residential 5) as presented by Staff and based on the information provided above and all attachments.

- The amendment is consistent with applicable plans because: 1) the City's Unified Development Ordinance and 2040 Future Land Use Plan supports Mixed Residential 5 zoning district uses in the area; 2) the uses surrounding this property are a mix of mainly residential uses which are compatible with the proposed zoning; and 3) the proposed zoning is reasonable and in the public interest because the proposed zoning fits the character of the overall area.

Options:

1. Approval of the map amendment/rezoning to MR-5.
2. Approval of the map amendment/rezoning to a more restrictive zoning district.
3. Deny the rezoning request.

Attachments:

1. Application
2. Aerial Notification map
3. Zoning Map
4. Land Use Plan Map
5. Subject Properties Photos
6. Surrounding Properties Photos
7. UDO Table of Uses

Project Overview

#395431

Project Title: K&JS-TPGM 23

Application Type: 5.1) Rezoning (Map Amendment)

Workflow: Staff Review

Jurisdiction: City of Fayetteville

State: NC

County: Cumberland

Project Location

Project Address or PIN:

- 0 CLIFFDALE RD (9487-47-7123-)
- 0 ? N/A (9487-36-6817-)

GIS Verified Data

Property Owner: Parcel

- 0 CLIFFDALE RD: K&JS PROPERTIES LLC
- 0 ? N/A: K&JS PROPERTIES LLC

Zoning District:

Fire District:

Hospital Overlay District:

Cape Fear District:

Haymount Historic District:

100 Year Flood:

Watershed:

Acreage: Parcel

- 0 CLIFFDALE RD: 12.8
- 0 ? N/A: 18.18

Subdivision Name: Parcel

- 0 CLIFFDALE RD: R A PATE EST
- 0 ? N/A: R A PATE EST

Airport Overlay District:

Coliseum Tourism District:

Downtown Historic District:

Floodway:

500 Year Flood:

General Project Information

Has the land been the subject of a map amendment application in the last five years?: No

Previous Amendment Case #:

Acreage to be Rezoned: 12.8

Water Service: Public

A) Please describe all existing uses of the land and existing structures on the site, if any: VACANT

Previous Amendment Approval Date:

Proposed Zoning District: MR-5

Is this application related to an annexation?: No

Sewer Service: Public

B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.: AR

MR-5
SF-6
NC
SF-10

Amendment Justification - Answer all questions on this and all pages in this section (upload additional sheets as needed).

A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.: THE CURRENT LAND USE MAP IS NOT AVAILABLE ON-LINE AND THE NEW MAP HAS NOT BEEN ADOPTED BY COUNCIL.

B) Are there changed conditions that require an amendment? : PRIOR TO UDO ZONING, THIS PROPERTY WAS ZONED SUCH THAT MULTI-FAMILY WAS ALLOWED. THE ZONING ASSIGNED BY STAFF UPON ADOPTION OF THE UDO DOWN ZONED THIS PROPERTY. THE OWNER WOULD LIKE THE PRE-UDO ZONING RESTORED.

C) State the extent to which the proposed amendment addresses a demonstrated community need.: THIS PROPERTY'S PROXIMITY TO FORT BRAGG WOULD ALLOW THE OWNER TO DEVELOP MUCH NEEDED HOUSING FOR MILITARY WORKERS.

D) State the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and why it is the appropriate zoning district for the land.: THIS PROPERTY IS SURROUNDED BY SOME SINGLE FAMILY HOUSES (ON VERY SMALL LOTS), BUT ADJACENT TO IT ON ONE SIDE ARE TWO LARGE MULTI-FAMILY COMPLEXES.

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.: THIS MAJORITY OF PARCELS IN THIS AREA HAS ALREADY BEEN DEVELOPED TO HIGH DENSITY STANDARDS.

F) State the extent to which the proposed amendment might encourage premature development.: IT WOULD NOT.

G) State the extent to which the proposed amendment results in strip-style commercial development.: IT DOES NOT. THE CURRENT ZONING WOULD PROMOTE THAT MORE THAN WHAT IS REQUESTED.

H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.: TO NO EXTENT.

I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.: TO NO EXTENT.

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment.: TO NO EXTENT

Primary Contact Information

Project Contact - Agent/Representative

LORIEPLER

Larry King & Assoc.

1333 Morganton Road, Fayetteville

Fayetteville, NC 28305

P:9104834300

LEPLER@LKANDA.COM

Indicate which of the following project contacts should be included on this project: Surveyor

Project Owner

JOE RIDDLE

K&JS PROPERTIES, LLC AND TPGM PROPERTIES, LLC

4200 Morganton Road,, Suite 150

Fayetteville, , NC 28314

P:910.864.3135

riddlecommercial@aol.com

NC State License Number:

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

Project Contact - Primary Point of Contact for the Surveyor

LORIEPLER

Larry King & Assoc.

1333 Morganton Road, Fayetteville

Fayetteville, NC 28305

P:9104834300

Aerial Notification Map Zoning Commission

8/11/20
Case #: P20-25F

Request:
Rezoning (Map Amendment)
To MR-5

Location:
Near the intersection of Cliffdale
Road & Braybrooke Place

Pins:
9487-47-7123
9487-36-6817

Acreage to be Rezoned:
30.98 acres +/-



Legend

-  500' Notification Buffer
-  City Limits
-  Parcels

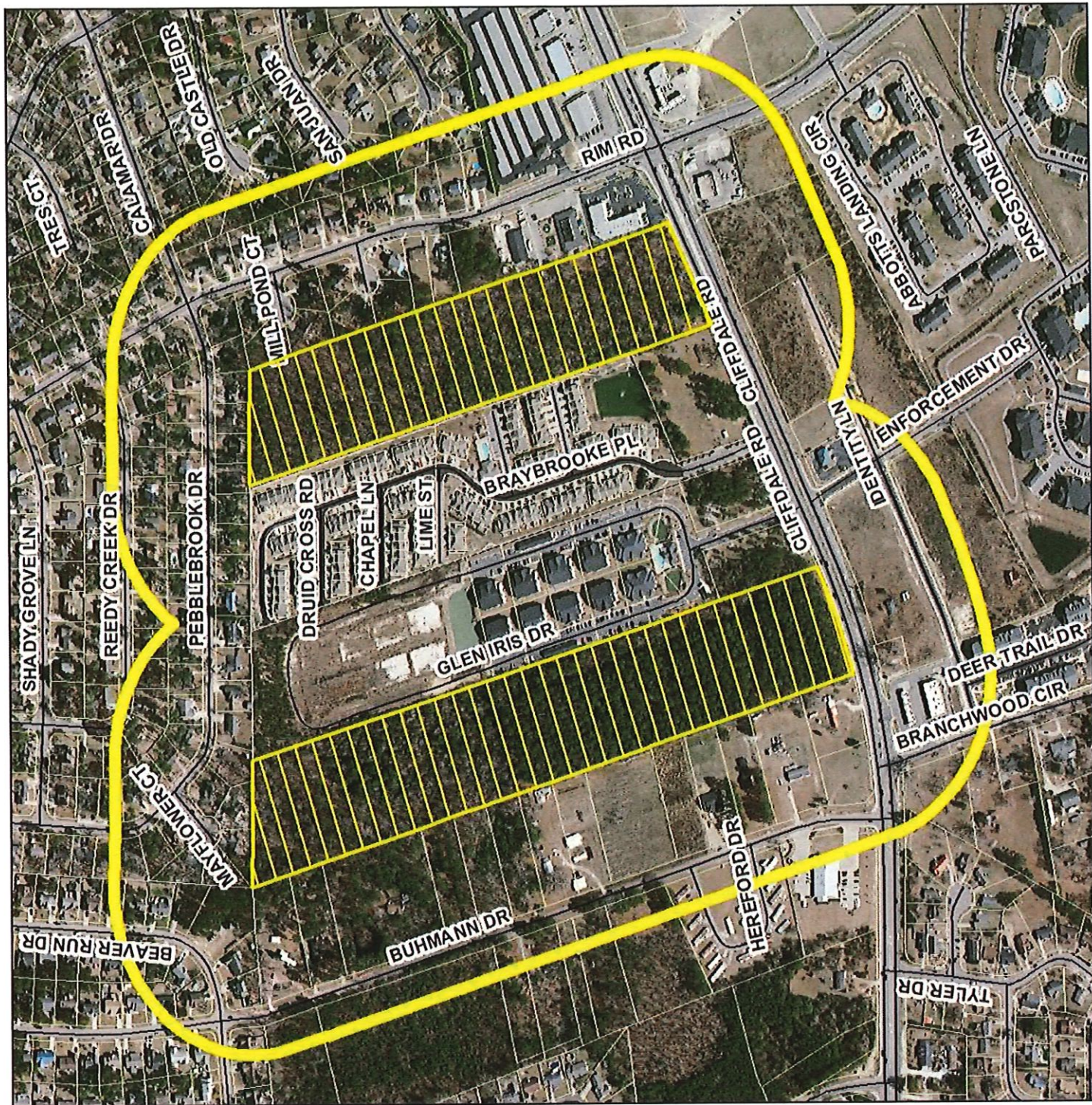


Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.

Recommendation: Approval

Disposition Date: 8/11/20

Final Action:



Zoning Map

Zoning Commission

8/11/20

Case #: P20-25F

Request:
Rezoning (Map Amendment)
To MR-5

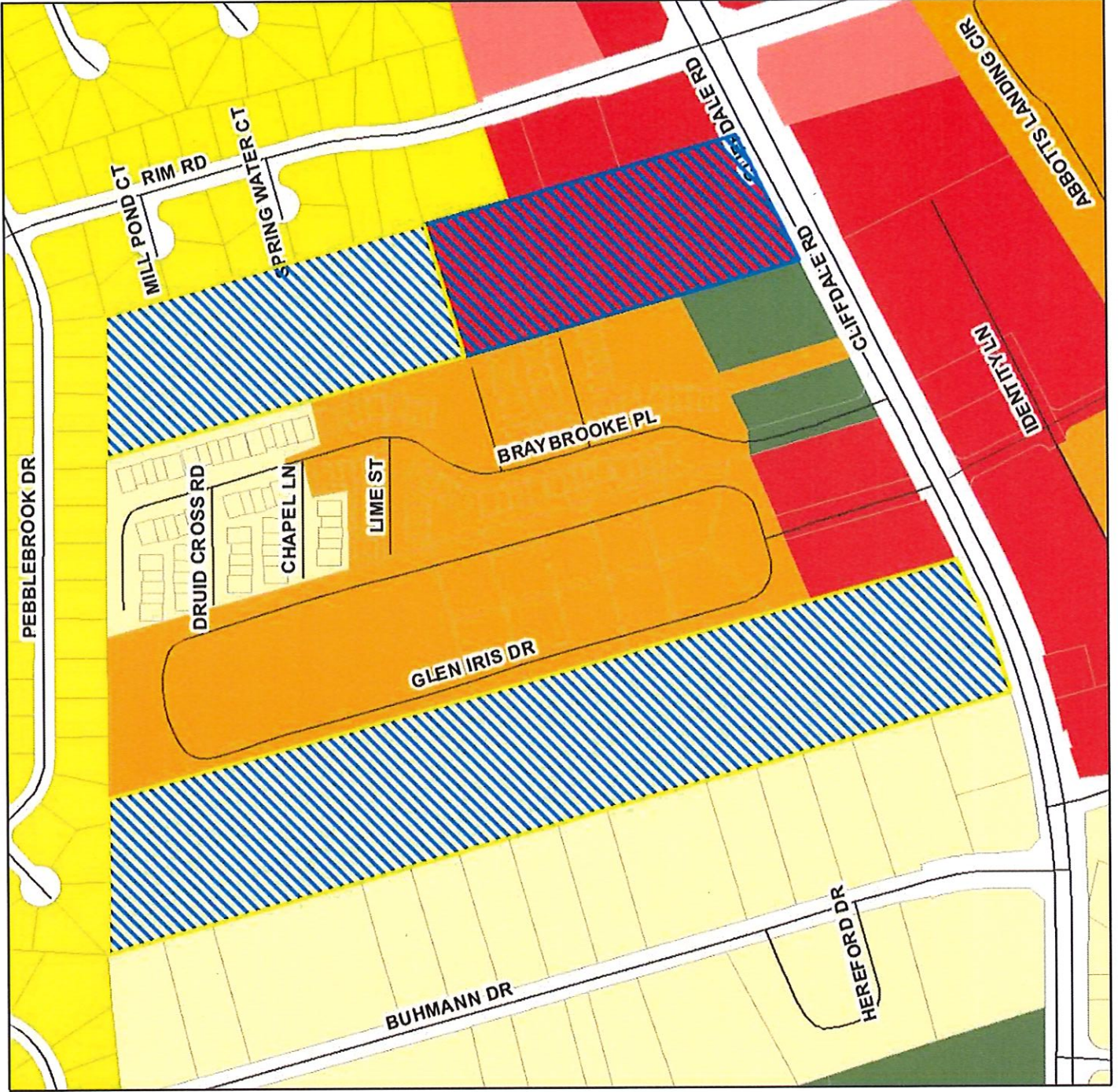
Location:
Near the intersection of Cliffdale
Road & Braybrooke Place

Pins:
9487-47-7123
9487-36-6817

Acres to be Rezoned:
30.98 acres +/-



- AR - Agricultural-Resid...
- LC - Limited Commercial
- MR-5 - Mixed Residential 5
- MR-5/CZ - Conditional Mixed Residential 5
- NC - Neighborhood Commercial
- SF-6 - Single-Family Residential 6
- SF-10 - Single-Family Residential 10
- City Limits



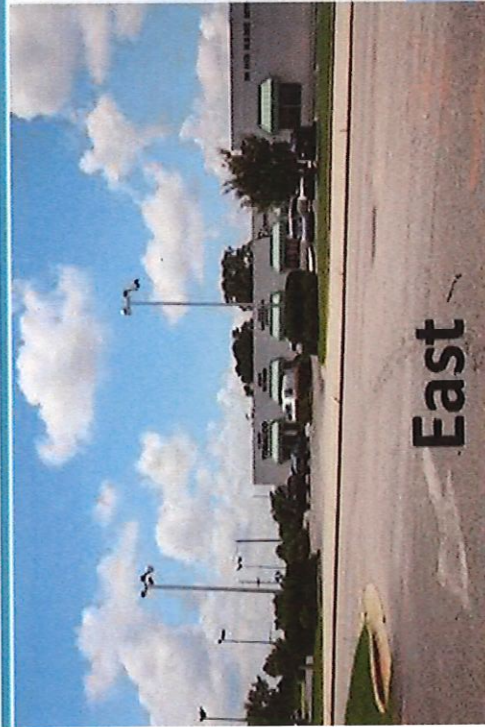
City of Fayetteville
North Carolina
PLANNING

Subject Property





Surrounding Properties



East



South



Between

P20-27F. Rezoning of an existing apartment complex from Single-Family 10 (SF-10) to Mixed Residential 5 (MR-5), located off McArthur Road, (Tax Map# 0439-39-0892) totaling 33.27 acres \pm and being the property of Aspen Point, LLC; Crystal Lake apartments, LLC, represented by Lori Epler. (Jennifer Baptiste)

ZONING COMMISSION STAFF REPORT

TO: Zoning Commission Members

THRU: Taurus Freeman – Planning & Zoning Divisional Manager

FROM: Jennifer C Baptiste, CFM – Senior Planner

DATE: August 11, 2020

RE:

P20-27F. Rezoning of an existing apartment complex from Single-Family 10 (SF-10) to Mixed Residential 5 (MR-5), located off McArthur Road, (Tax Map# 0439-39-0892) totaling 33.27 acres ± and being the property of Aspen Point, LLC; Crystal Lake Apartments, LLC, represented by Lori Epler.

COUNCIL DISTRICT(S):

3 – Tisha Waddell

Relationship to Strategic Plan 2030:

2030 Goals, Goal III

Objective C: To revitalize neighborhoods with effective zoning, code enforcement, and violations abatement.

Executive Summary:

The applicant, Lori Epler, has submitted a request to rezone the current property from Single-Family 10 (SF-10) to Mixed Residential 5 (MR-5) to bring the site into full conformity with the current Unified Development Ordinance.

Background:

This complex began the Technical Review Committee process in 2011. Under the ordinance and zoning district in effect at the time, the property was zoned Residential 10 (R-10) which allowed the development of an apartment complex. Once the initial building construction began, the site became vested.

With the adoption of the current UDO, the zoning for the complex converted to Single-Family Residential 10 (SF-10). Since apartment complexes are not allowed in the SF-10 zoning district, the complex is considered an existing non-conforming site.

Applicant: Lori Epler

Owners: Aspen Point, LLC and Crystal Lake Apartments, LLC – Murray Duggins

Requested Action: Rezoning from SF-10 to MR-5

Property Addresses: off McArthur Road

Council District: 3

Status of Properties: Developed apartment complex

Size: 33.27 acres ±

Adjoining Land Use & Zoning:

- North – MR-5: Apartment Complex
- South – SF-10: Single-Family Residential Subdivision
- West – SF-10: Single-Family Residential Subdivision
- East – SF-10: Single-Family Residential Subdivision

Traffic Count: 12,000 on McArthur Road per day (2016).

Letters Mailed: 82

Land Use Plans

With the adoption of the 2040 Comprehensive Plan: Future Land Use Plan & Map on May 26, 2020, all properties within the city limits as well as properties identified as being in the Municipal Influence Area (MIA) are subject to this plan.

According to the plan, this area should develop as a mixture of residential housing densities. The majority of this property and to the north across McArthur Road should develop as high density residential, properties to the east and west should develop as medium density residential, while properties to the south should develop as low density residential.

Issues/Analysis:

History

The majority of properties in this area were annexed into the City of Fayetteville between 1990 and 2009. This parcel has direct access to McArthur Road and is in close vicinity to the Ramsey Street major thoroughfare.

In 2011, the Crystal Lake Apartments was presented to the City for initial approval and was granted approval for a 196 apartment unit complex with eight (8) garage units, fourteen (14) storage rooms, a clubhouse and a pool. With the granting of the initial building permits, the site became vested according to the ordinance in effect at the time which allowed large multi-family apartment complexes in the Residential 10 (R-10) zoning district.

Surrounding Area

To the north of the property is the McArthur Park Apartments along with various other commercial uses. Single-family residential homes on individual lots are located to the east and west of the property. The Country Club North II residential subdivision is located to the south of the property.

Rezoning Request

The currently submitted rezoning application is a request to rezone an existing apartment complex currently zoned as Single-Family Residential 10 (SF-10) to Mixed Residential (MR-5). According to the site plan approved by the Technical Review Committee, the complex is completely built out. Three (3) of the apartment buildings contain sixteen (16) apartment units, another six (6) buildings contain twenty-four (24) apartment units while one (1) building contains four (4) units.

Under the previous R-10 zoning district, the apartment complex was allowed by right. With the adoption of the current UDO, this complex is an existing nonconforming use in the SF-10 zoning district since apartment complexes are not allowed in the zoning district. The owner of the complex is seeking the rezoning for two specific interlinked reasons. The first reason is to bring the complex into compliance with the current UDO zoning district standards.

Secondly, by being in compliance with the UDO, if any of the buildings need to be repaired or rebuilt, the owner would be able to do so. Under the standards of the current UDO, if any of the buildings were deemed to be damaged more than 50%, then those buildings would have to conform to the current standards of the SF-10 zoning district. The SF-10 district does not allow large scale apartment complexes. The largest residential development the SF-10 allows is dwellings with two- to four- family units.

Land within the City is generally classified by the Unified Development Ordinance (UDO) to be within one of a number of base zoning districts. Land may be reclassified to one of a number of comparable zoning districts in accordance with Section 30-2.C.

Straight Zoning:

The request is for a straight zoning from Single Family Residential 6 to Mixed Family Residential 5.

The purpose of the MR-5 zoning district is to "establish and intended to meet the diverse housing needs of City residents by accommodating a wide variety of residential housing types and arrangements at moderate to high densities, including single-family detached dwellings, two- to four- family dwellings, and other residential development that may include single-family attached dwellings, and zero lot line development subject to the requirements of this Ordinance."

The reclassification of land to a straight zoning district allows all of the uses that are shown on the attached Use Table taken from the UDO. The City Council may not consider conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other regulations that are applicable.

Land Use Plan Analysis:

According to Future Land Use Plan Map, this area should develop as a High Density Residential (HDR). These areas encourage townhomes and apartments in 3-5 story buildings with some very small single family lots possible. Typically, 5-16 dwellings per acre. Active, compact neighborhoods walkable to adjacent commercial centers.

The City Planning Staff recommends APPROVAL of the map amendment to MR-5 based on the following:

- This proposed zoning map amendment implements the policies adopted in the Future Land Use Plan and the Unified Development Ordinance. This district type is intended to meet the diverse housing needs of City residents by accommodating a wide variety of residential housing types and arrangements at moderate to high densities, including single-family detached dwellings, two- to four- family dwellings, multi-family dwellings, and other residential development that may include single-family attached dwellings, and zero lot line development;
- The uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property; and
- There are no other factors which will substantially affect the public health, safety, morals, or general welfare.

Budget Impact:

There is not an immediate budgetary impact but there may be an economic impact associated with this rezoning that will occur over the next decade.

Recommended Action:

The Staff recommends that the Zoning Commission recommend approval of the requested rezoning to MR-5 (Mixed Residential 5) as presented by Staff and based on the information provided above and all attachments.

- The amendment is consistent with applicable plans because: 1) the City's Unified Development Ordinance and 2040 Future Land Use Plan supports mixed residential zoning district uses in the area; 2) the uses surrounding this property are a mix of mainly multi-family residential as well as single family residential uses which are compatible with the proposed zoning; and 3) the proposed zoning is reasonable and in the public interest because the proposed zoning fits the character of the overall area.

Options:

1. Approval of the map amendment/rezoning to MR-5.
2. Approval of the map amendment/rezoning to a more restrictive zoning district.
3. Deny the rezoning request.

Attachments:

1. Application
2. Aerial Notification Map
3. Zoning Map
4. Land Use Plan Map
5. Site Photos
6. UDO Table of Uses

Project Overview

#402505

Project Title: Crystal Lake
Application Type: 5.1) Rezoning (Map Amendment)
Workflow: Staff Review

Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Project Location

Project Address or PIN: 0 ? N/A (0439-39-0892-)

GIS Verified Data

Property Owner: Parcel
• 0 ? N/A: CRYSTAL LAKE APARTMENTS LLC

Zoning District:

Fire District:

Hospital Overlay District:

Cape Fear District:

Haymount Historic District:

100 Year Flood:

Watershed:

Acreage: Parcel
• 0 ? N/A: 33.27

Subdivision Name: Parcel
• 0 ? N/A: CRYSTAL LAKE APARTMENTS RECOMB

Airport Overlay District:

Coliseum Tourism District:

Downtown Historic District:

Floodway:

500 Year Flood:

General Project Information

Has the land been the subject of a map amendment application in the last five years?: No

Previous Amendment Case #:

Acreage to be Rezoned: 33.27

Water Service: Public

A) Please describe all existing uses of the land and existing structures on the site, if any: THIS IS AN APARTMENT COMPLEX THAT WAS APPROVED IN AUGUST OF 2012 AND BUILT WITHIN THE NEXT YEAR. IT CONSISTS OF 196 APARTMENT UNITS, 8 GARAGE UNITS, 14 STORAGE ROOMS, A CLUBHOUSE AND POOL. AT THE TIME OF APPROVAL AND CONSTRUCTION THE PROPERTY WAS ZONED R10.

THREE OF THE EXISTING BUILDINGS CONTAIN 16 UNITS EACH.

SIX OF THE EXISTING BUILDINGS CONTAIN 24 UNITS EACH.

ONE OF THE EXISTING BUILDINGS CONTAINS FOUR UNITS.

Previous Amendment Approval Date:

Proposed Zoning District: MR5

Is this application related to an annexation?: No

Sewer Service: Public

B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.: PROPERTIES TO THE SOUTH AND WEST ADJACENT
SF-10 - SINGLE FAMILY LOTS OF VARYING SIZES

ONE PROPERTY TO THE NORTH ADJACENT
OI - FOREVER YOUNG CHILDCARE

PROPERTIES TO THE NORTH AND EAST (ACROSS McARTHUR ROAD)
MR-5 - APARTMENTS

Amendment Justification - Answer all questions on this and all pages in this section (upload additional sheets as needed).

A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.: IT IS FULLY CONSISTENT.

B) Are there changed conditions that require an amendment? : WHEN THE CITY CONVERTED PRE-UDO ZONING TO TODAY'S ZONING DESIGNATIONS THIS PROPERTY CONVERTED TO SF10. SF10 ALLOWS FOR NO MORE THAN FOUR UNITS PER BUILDING.

THE UDO ZONING APPLIED BY THE CITY RENDERED NINE OF THE 10 BUILDINGS IN THIS DEVELOPMENT NONCONFORMING.

THE OWNER WANTS THIS RECTIFIED AS SOON AS POSSIBLE.

C) State the extent to which the proposed amendment addresses a demonstrated community need.: TO A GREAT EXTENT. ALL OF THESE UNITS ARE CONSISTENTLY OCCUPIED. SHOULD ANY OF THE NINE NONCONFORMING STRUCTURES BE DAMAGED BY MORE THAN 50%, RECONSTRUCTION WOULD REQUIRE TIMELY APPROVALS AND ARE NOT ASSURED. COUNTLESS FAMILIES COULD BE WITHOUT A HOME AND THIS PROPERTY OWNER WOULD LOSE SUBSTANTIAL RETURN ON THEIR INVESTMENT.

D) State the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and why it is the appropriate zoning district for the land.: SEE THE USES PROVIDED PREVIOUSLY.

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.: THE DEVELOPMENT ALREADY EXISTS.

F) State the extent to which the proposed amendment might encourage premature development.: TO NO EXTENT.

G) State the extent to which the proposed amendment results in strip-style commercial development.: TO NO EXTENT.

H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.: TO NO EXTENT.

I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.: TO NO EXTENT.

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment.: TO NO EXTENT.

Primary Contact Information

Project Contact - Agent/Representative

LORIEPLER

Larry King & Assoc.

1333 Morganton Road, Fayetteville

Fayetteville, NC 28305

P:9104834300

LEPLER@LKANDA.COM

Indicate which of the following project contacts should be included on this project: Surveyor

Project Owner

MURRAY DUGGINS

ASPEN POINT LLC AND CRYSTAL LAKE APARTMENTS LLC

2939 BREEZEWOOD AVE., STE 201

FAYETTEVILLE, NC 28303

P:910.850.9449

MDUGGINS@UNITEDCOMPANIESNC.COM

NC State License Number:

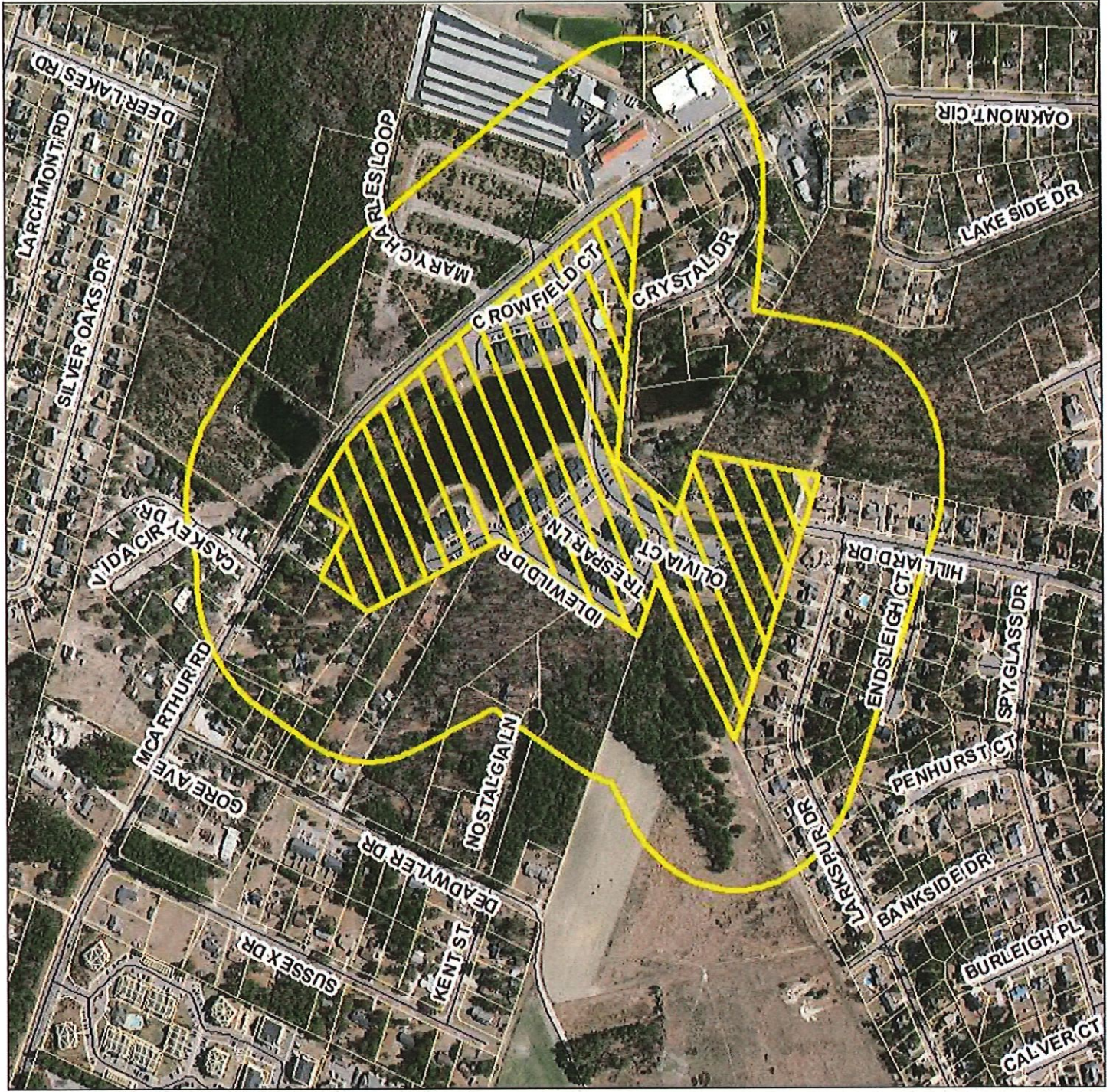
As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

Project Contact - Primary Point of Contact for the Surveyor

LORIEPLER

Larry King & Assoc.

1333 Morganton Road, Fayetteville
Fayetteville, NC 28305
P:9104834300
LEPLER@LKANDA.COM



Aerial Notification Map

Zoning Commission
08/11/2020

Case #: P20-27F

Request:
Map Amendment

Location:
Crystal Lakes Apartment

Pins:
0439-39-0892

Acreage:
33.27 acres



Legend



Parcels



Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.

Recommendation:

Disposition Date:

Final Action:

Zoning Map Zoning Commission 08/11/2020

Case #: P20-27F

Request:

Map Amendment
SF-10 to MR-5

Location:

off McArthur Drive








Pin:

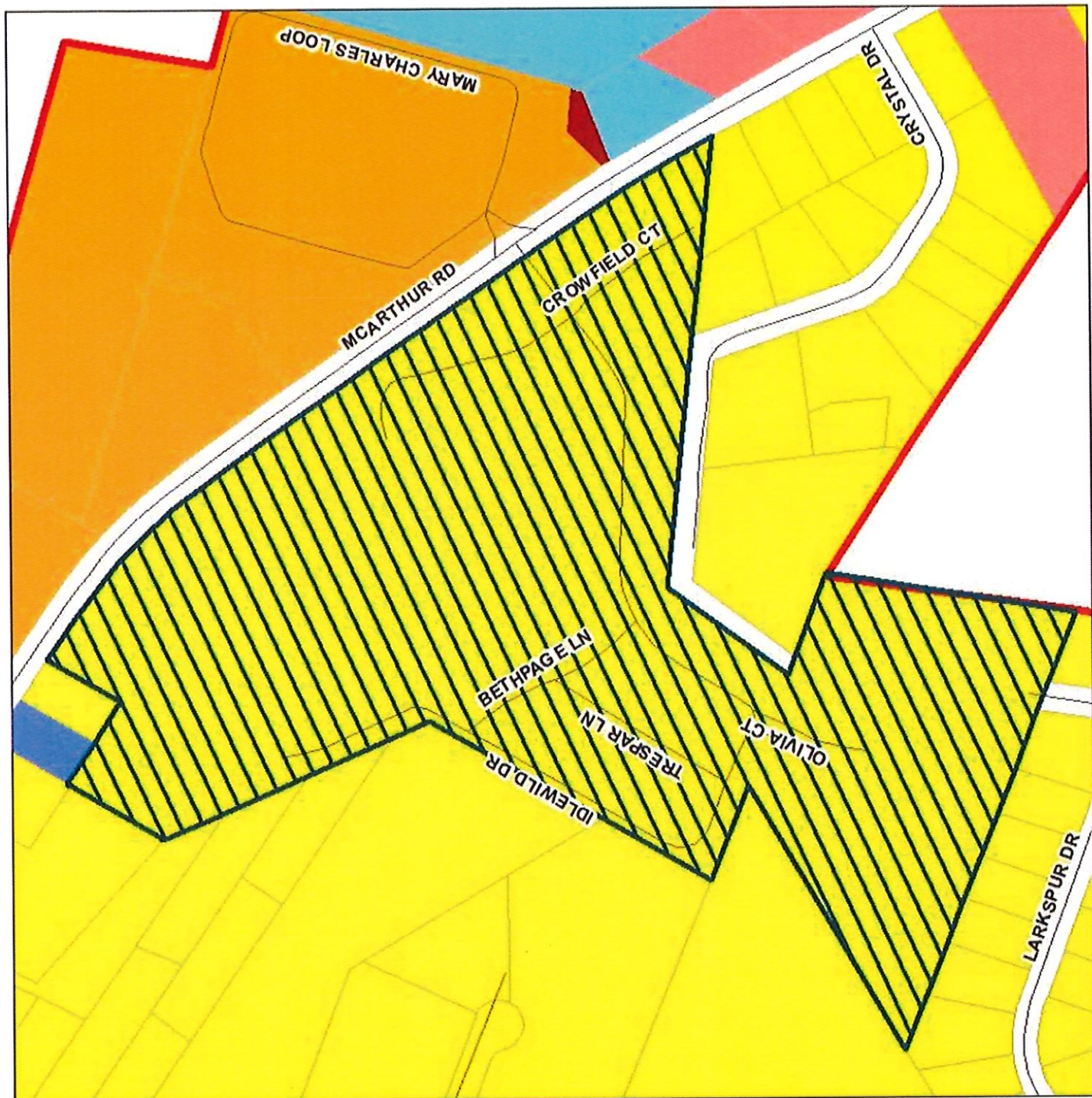
0439-39-0892

Acreage:

33.27 acres



-  P20-27F
-  CC - Community Commercial
-  LC - Limited Commercial
-  LI - Light Industrial
-  MR-5 - Mixed Residential S
-  OI - Office & Institutional
-  SF-10 - Single-Family Residential



Land Use Map

Zoning Commission
08/11/2020

Case #: P20-27F

Request:
Map Amendment
SF-10 to MR-5

Location:
off McArthur Drive

Pin:
0439-39-0892

Acreage:
33.27 acres

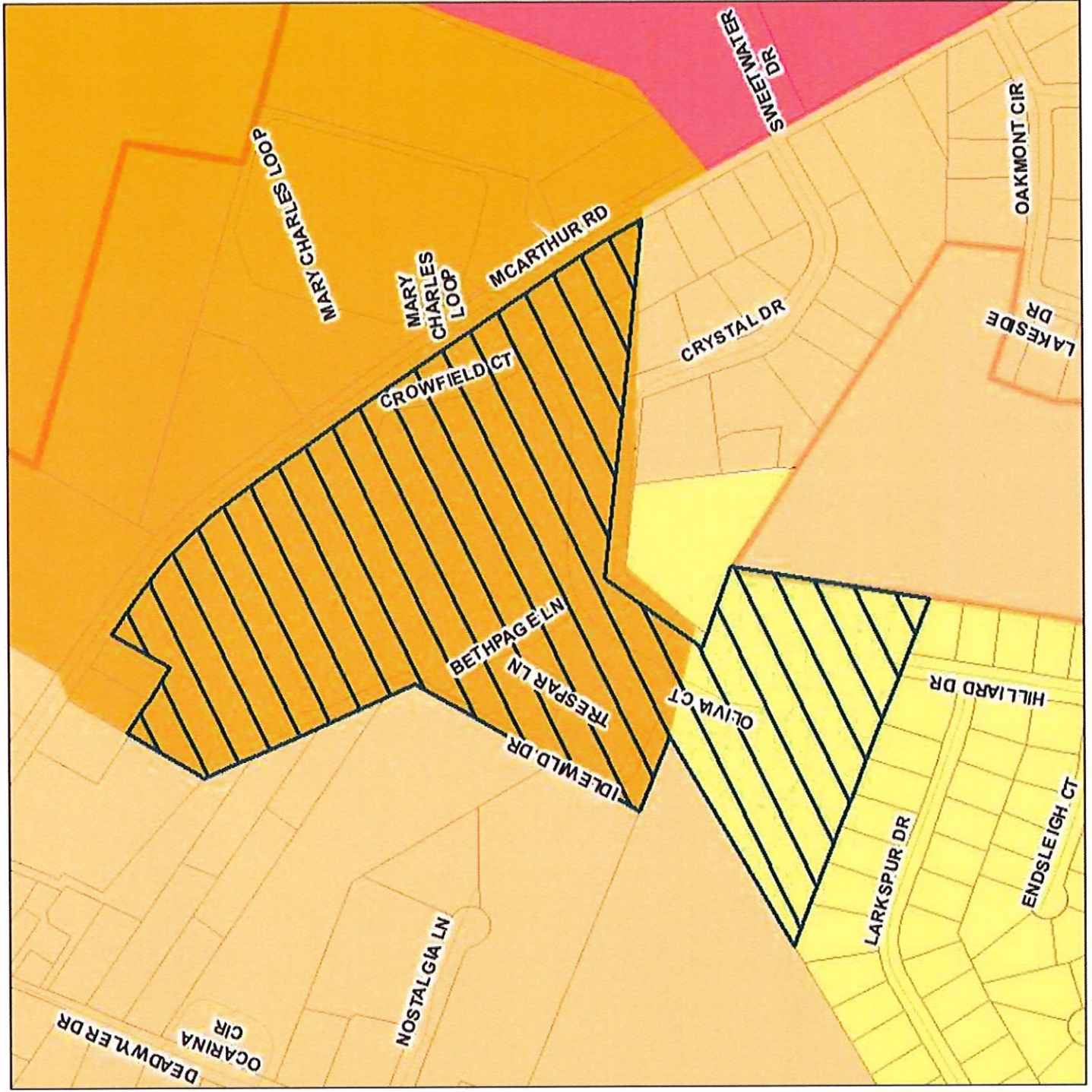


Legend



FUTURE LAND USE

- LOW DENSITY
- MEDIUM DENSITY
- HIGH DENSITY RESIDENTIAL
- CC - COMMUNITY CENTER



Subject Property

